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SENSITIVE  
SIPDIS

DEPARTMENT PASS TO USTR FOR AGAMA AND VETERE; PTO FOR HICKEY; LOC  
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SUBJECT: NIGERIA: VISIT TO NIGERIA-BENIN BORDER AND LAGOS AIRPORT

REF: ABUJA 746

SENSITIVE BUT UNCLASSIFIED - NOT FOR DISTRIBUTE OUTSIDE USG

1. (SBU) Summary: On April 6, 2009 an interagency USG Team visited the Nigeria-Benin border to observe the movement of goods and people between the two countries. The Seme border crossing post is manned by 650 Nigerian Customs Officers and is a major transit point of goods in West Africa. On April 9 the same team visited the Lagos international airport to observe customs procedures there. The team identified major problem areas at both the border and airport that need to be remedied. In response, the USG will sponsor additional workshops in late June 2009 focused solely on NCS and increasing its capacity to detect counterfeit products at the border. The Nigerian Customs Service (NCS) has demonstrated an eagerness to work closely with the USG on capacity building to enforce intellectual property (IP) rights. Following two years of targeted training, we expect the NCS will increase seizures and prosecutions of counterfeiters in 2009. End Summary.

2. (SBU) On April 6, Econ Deputy accompanied by representatives from the U.S. Department of Justice; U.S. Department of Homeland Security; World Customs Organization and Nigerian Customs Service Controller Grace Adeyemo traveled to the Seme Area border crossing between Nigeria and Benin to observe customs operations. The border crossing between Benin and Nigeria has one of the largest volumes of trade in Africa and the largest in West Africa.

Ride to the Border  
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3. (SBU) The 85 miles long Badagary road from Lagos to the border is notorious for traffic accidents and check points and it lived up to its reputation with numerous crashed vehicles littering the roadway and heavy traffic. The two hour trip crossed several small rivers, where Fisherman's wooden canoes laid on river banks. Adeyemo commented that counterfeiters sometimes smuggle goods via these canoes because Customs has no active maritime enforcement component.

4. (SBU) Econ Deputy counted more than 20 checkpoints in each direction on the roadway. The checkpoints were alternately manned by officers representing the Nigerian Drug Law Enforcement Agency (NDLEA), Nigerian Police Force (NPF), Immigration and Customs. Econ Deputy observed at least four Customs checkpoints and was told they were set up to prevent "weapons smuggling."

Field Trip Reveals NCS Shortcomings

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15. (SBU) Upon arrival at the border both sides of the road swelled with kiosks, walking vendors, trucks and cars. From the border post, you could see and smell the dark blue ocean and beach nearby. At the border are two long buildings on both sides - one for Nigerian government operations and the other for Benin's government operations. Curiously, the main structures are both located 300 yards inside of Benin and not precisely at the border. Econ Deputy witnessed a group of robbers attack a Nigerian man; several Nigerian Customs Officers responded and thwarted the robbery. Unfortunately for the NCS officers, they were promptly arrested by Benin police for using their weapons on Benin soil. They were later released but jurisdiction remains an issue at the border.

16. (SBU) Econ Deputy had a difficult time ascertaining the formal border crossing procedures. There were non-uniformed men manning a long pole across the road. It was unclear what documents needed to be presented to pass. It was also unclear who these non-uniformed men represented. Along the sides of the office buildings are located plank board desks manned by uniformed representatives of Nigerian Immigration, Customs and NDLEA. We observed very little movement there in the stifling mid-day heat. However, there were numerous people, donkey carts and vendors passing back and forth on the road. One NDLEA agent became animated when she noticed a camera and asked not to be photographed until after she finished eating lunch.

17. (SBU) Area NCS Comptroller A.S. Aneke told the team that more than 650 Customs Officers manned the post. Aneke said he had spent the past two years as a liaison officer at the Nigerian Investment

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Promotion Council and understood very well the need to improve customs operations. When asked about officer training on counterfeit detection, Aneke explained that his officers had no training and at this time were not capable of enforcing IP laws. He encouraged the team to do further capacity building with NCS. (Note: In response to Aneke's comments and other suggestions the June 2009 Customs Border Enforcement Workshop sponsored by the U.S. Patent and Trademark Organization will spend one day at the Seme border to provide training. End Note.)

18. (SBU) Aneke underscored that the mission of his officers was to collect the proper tariff on imported goods and prevent goods from entering or leaving Nigeria that were prohibited. Customs revenue is the GON's second largest source of income. Due to congestion at ports in the Lagos area, he said traffic volumes have increased at Seme border because importers now shift sea cargo to Benin and then truck the goods to Nigeria. Econ Deputy counted more than 100 trucks loading and unloading at the border.

19. (SBU) Aneke briefed the team on Customs procedures and explained that the Single Goods Declaration (SGD) is the most important document and that it is used within the Economic Community of West African States (ECOWAS) countries. The DOJ/DHS experts were overwhelmed with the low tech procedures. Several remarked that they were shocked that there was no central computer system. The team used their practical observations from the trip to better focus their presentations at the following three-day workshop.

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Airport Visit  
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110. (SBU) On April 9 the interagency USG team visited Lagos International Airport to observe Customs operations. The team visited a central processing area where cargo information was entered into a computer database to ascertain the proper tariff on imported goods. The team reported the system appeared modern and in good order, but it could not detect any information to prevent importation of counterfeit products.

111. (SBU) Next, the team visited several warehouses where imported products are housed and inventoried before being released. Several team members observed half open boxes that contained clearly identifiable counterfeit products. In addition, large numbers of

people were found to be hanging around the warehouses and it was difficult to determine their purpose or whether they belonged in these sensitive areas. The team noticed a number of boxes stacked oddly close to a main wall and concluded the boxes made a "perfect ladder over the security wall" to make it easier to remove goods. The lack of controlled access and organization was a major concern for the team.

¶12. (SBU) Comment: The disorganization observed at both the border and airport highlights the problem NCS faces. NCS has neither the resources nor capacity to effectively curb counterfeiters. Despite this, the NCS has taken positive actions by participating with the USG in capacity building programs and it plans to hold a May 26-27 Intellectual Property Summit in Abuja to increase awareness, interagency cooperation and build political will among the private sector and the GON. A cadre of active and knowledgeable NCS officers has been developed following two years of USG capacity building. From their initiative, in 2008 the NCS created an IP task force and revised tariff regulations to increase its powers to prosecute IP pirates. Now that the NCS has increased its cooperation with the private sector and within the GON we expect more seizures and prosecutions of counterfeiters in 2009. End Comment.

¶13. (U) This cable was coordinated with ConGen Lagos.

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